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BULLETIN No. 127

SAN JOAQUIN VALLEY
DRAINAGE INVESTIGATION

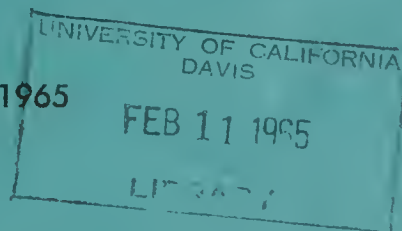
Appendix A

PROPOSED SAN JOAQUIN VALLEY
DRAINAGE DISTRICT ACT

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Preliminary Edition

JANUARY 1965



HUGO FISHER
Administrator
The Resources Agency

EDMUND G. BROWN
Governor
State of California

WILLIAM E. WARNE
Director
Department of Water Resources



State of California
THE RESOURCES AGENCY
Department of Water Resources

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DRAINAGE INVESTIGATION

Appendix A

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PROPOSED
SAN JOAQUIN VALLEY
DRAINAGE DISTRICT ACT

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PROPOSED SAN JOAQUIN VALLEY DRAINAGE DISTRICT

December 1, 1964

PROPOSED SAN JOAQUIN VALLEY DRAINAGE DISTRICT ACT

An act to create the San Joaquin Valley Drainage District to provide adequate drainage for the San Joaquin Valley drainage basin, prescribing the district's powers and duties, providing for its organization, operation, and management, and authorizing the acquisition of property and works to carry out the purposes of the district authorizing the incurrence of indebtedness, providing for the levy and collection of assessments and service charges, providing for the issuance of bonds, and for cooperation and contracts with other entities including the United States and the State of California.

The people of the State of California do enact as follows:

Part 1. Formation and Internal Organization

Section 1. This act is designated and may be cited and referred to as the San Joaquin Valley Drainage District Act.

Sec. 2. The San Joaquin Valley Drainage District is hereby created, organized, and incorporated. The boundaries and territory of such said district shall be as follows, and as shown on the attached map prepared by the Department of Water Resources, entitled "Proposed San Joaquin Valley Drainage District", dated December 1, 1964:*

Sec. 3. "District" as used in this act means the San Joaquin Valley Drainage District.

"Board" as used in this act means the board of directors of the district.

Sec. 4. The powers of the district shall be exercised by a board of nine directors elected by division and each director shall be an elector, landowner, and resident of the division from which he is elected; provided, however, that the first directors shall be appointed as herein provided.

* The map referred to in Section 2 is illustrated on the opposite page. The boundaries of the district generally will include the entire San Joaquin Valley drainage basin and will be described in Sec. 2 of the act in much the same manner as the Sacramento-San Joaquin Delta is described in Water Code Section 12220.

Sec. 5. Within thirty days after the effective date of this act the Governor shall appoint nine directors to serve as such until the first general district election, each of whom must be an elector, landowner, and resident of the district. Within thirty days after such appointment, the first directors, and thereafter on the first Monday following January 1 of each odd-numbered year, the directors shall meet and organize as a board.

Sec. 6. At its first meeting and on the first Monday following January 1 of each odd-numbered year, the board shall choose from its members a chairman and a vice chairman, who shall act as chairman during the chairman's absence or inability to act, provide for the time and place of holding meetings and the manner in which its special meetings may be called, and establish rules for its proceedings. All legislative sessions of the board, whether regular or special, shall be open to the public. A majority of the board shall constitute a quorum for the transaction of business.

Sec. 7. The board shall act only by ordinance, resolution or motion. Except where action shall be taken by the unanimous vote of all the directors present and voting, the ayes and noes taken upon the passage of all ordinances, resolutions, and motions shall be entered upon the minutes of the board. No ordinance, resolution or motion shall be passed or become effective without the affirmative vote of at least a majority of the members of the board present at any meeting. All ordinances shall be signed by the chairman and attested by the secretary.

Each director shall receive the sum of fifty dollars (\$50) plus reasonable expenses for each meeting of the board attended by him, not exceeding five meetings in any calendar month, and such additional compensation as shall be fixed and allowed by the board for his services while otherwise employed by the authority of the board in the business of the district. He shall also be allowed, with the approval of the board, all traveling and other expenses reasonably incurred by him in such employment.

Sec. 8. The board may appoint a general manager, a secretary and an auditor. No director shall be eligible to the office of general manager, secretary, or auditor. The general manager, secretary, and auditor shall receive such compensation as the board shall determine at the pleasure of the board. The same person may be appointed as general manager and secretary or as secretary and auditor. The board may at any time also appoint an assistant secretary and appoint or employ and prescribe the authorities and duties of such other officers and employees, attorneys, and engineers as may be necessary or convenient for the business of the district, each of whom

shall serve at the pleasure of the board. The general manager, secretary, auditor, and other employees and assistants of the district who may be required to do so by the board shall give such bond to the district conditioned for the faithful performance of his duties as the board may provide. Any member of the board and the secretary may administer oaths when necessary in the performance of his official duty.

Sec. 9. The chairman or vice chairman shall sign and the secretary or assistant secretary shall countersign all deeds and instruments in writing which have been first approved and authorized by the board, unless the board directs some other officer or officers to execute the same. The chairman, vice chairman, secretary, and assistant secretary shall perform such other duties as may be imposed by the board. The general manager, subject to the control and approval of the board, shall have full charge and control of the maintenance, operation, and construction of the works and property of the district and shall have full power and authority to employ and discharge all employees and assistants prescribe their duties, and fix and alter their compensation. He shall perform such other duties as may be imposed by the board and report to the board in accordance with such rules and regulations as it may adopt. The auditor shall establish and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the district. He shall draw warrants, which must be countersigned by the chairman or vice chairman, to pay demands made against the district when such demands have been approved or authorized by the board. The board shall also designate a depository or depositories to have custody of the funds of the district, all of which depositories shall have security sufficient to secure the district against possible loss and who shall pay the warrants drawn by the auditor for demands against the district under such rules as the directors may prescribe.

Sec. 10. Within thirty days after the organization of the board appointed as provided herein, the board shall by resolution provide for the holding of a special district election for the purpose of submitting to the voters the question of whether the organization of the district as provided herein shall be ratified and confirmed, and shall affix a date upon which such special election shall be held, which date shall be not less than ninety or more than one hundred and twenty days after the adoption of such resolution. Such special district election shall be called and held in accordance with the provisions of Sections 15-31 of this act insofar as the same may be applicable, but in addition to the matters and things required to be set forth in the proclamation

therein provided for, such proclamation shall likewise set forth the proposition to be submitted to the voters. The proposition shall be submitted in substantially the following form:

"Shall the organization of the San Joaquin Valley Drainage District as provided in the act adopted by the Legislature at its last regular session, known as the San Joaquin Valley Drainage District Act, be ratified and confirmed?"

Opposite shall be the word "yes" followed by a square wherein to mark the cross, and also opposite shall be the word "no" followed by a square wherein to mark the cross. The returns of the election shall be delivered to and canvassed by the board on the first Tuesday which is six or more days after the election, and the results of the election shall be ascertained and declared in accordance with the provisions of Section 31 of this act. If such proposition is approved by a majority of the voters voting thereon at such election, the chairman and secretary of the board shall file, or cause to be filed with the Secretary of State, and shall record or cause to be recorded in the office of the county recorder of each county within which any portion of the district lies, a certificate stating the result of such election, the formation of the district under the provisions thereof, and its boundaries. Upon receipt of the certificate, the Secretary of State, within ten days, shall issue his certificate reciting that the district has been duly incorporated. A copy of this certificate shall be transmitted and filed with the county clerk of each county within which any portion of the district lies.

Sec. 11. In the event a majority of the votes cast on the proposition are against the proposition, then the appointed board shall wind up the affairs of the district and enter an order dissolving the same, as hereinafter provided, but shall not exercise any powers herein granted except to the extent required to wind up such affairs and dissolve the district, (nor shall any general or special district elections be called or held). The board shall dispose of and sell any property belonging to the district and shall, pursuant to Section 63 of this act cause an assessment to be levied sufficient to pay the expenses and claims against the district, including the estimated cost and expense of winding up the affairs of the district. When all of the obligations of the district have been paid, the board by resolution shall so declare and shall also declare that the district is dissolved, and thereupon the district shall be deemed duly and regularly dissolved. Any funds remaining on hand at the time of the dissolution shall be paid by the board into the general funds

of each county in which any portion of the district lies in the proportion that the assessed valuation of real property within the district within such county bears to the total assessed valuation of real property within the district. Any delinquent assessments levied at the request of the board and not collected prior to the dissolution of the district shall be retained by the county collecting the same and paid into its general funds.

Sec. 12. In the event the formation of the district is ratified and confirmed at the election, as soon thereafter as practicable and at least four months prior to the first general election the board, by resolution, shall determine and divide the district into nine divisions according to and based upon population so as to equalize, as nearly as practicable, the population in the respective divisions. The divisions shall be numbered and be designated as Division 1, Division 2, Division 3, Division 4, Division 5, Division 6, Division 7, Division 8, and Division 9. The secretary shall then file with the county recorder of each county within which any portion of the district lies a description of the boundaries of the divisions, designating each by its number as provided herein together with a plat or map showing the boundaries of such divisions.

Sec. 13. The appointed board shall, by lot, divide the divisions into two groups, the first to consist of five divisions and the second group to consist of four divisions. Each director elected at the first general district election from the divisions in the first group shall serve four years or until the election and qualification of his successor, and each director elected from the divisions constituting the second group shall serve two years or until the election and qualification of his successor. The term of office of each director elected after the first general district election shall be four years or until the election and qualification of his successor.

Sec. 14. All vacancies occurring in the office of director shall be filled by appointment by the Governor, and if a person appointed or elected fails to qualify, the office shall be filled as if there were a vacancy in the office. An appointment to fill a vacancy in the office of director shall be for the unexpired term of the office in which the vacancy exists. Before entering upon the duties of his office, each director shall take and subscribe the official oath and file it with the secretary, except that the members appointed to the board pursuant to Section 5 of this act shall take such official oath and file the same with the secretary as soon as is practicable after such directors have met and organized as a board. The oath of office may be taken before the secretary and a member of the board or any officer authorized by law to administer oaths.

Part 2. Elections

Chapter 1. Elections Generally

Sec. 15. As used in this act:

- (a) "District election" means every election held within the district for district purposes.
- (b) "General district election" means the district election for the election of directors which shall be held in each even numbered year at the time of the direct primary election and consolidated therewith.
- (c) "Special district election" means any district election other than the general district election.

Sec. 16. Except as otherwise provided in this act the provisions of the Elections Code, so far as they may be applicable, shall govern all district elections. When the Election Code requires publication of notice or proclamation such publication shall mean publication in each county which lies wholly or partly within the district in a newspaper of general circulation printed and published in such county.

Sec. 17. The board shall call and canvass all elections which it is authorized to canvass.

Sec. 18. No person shall vote at any district election unless he is a voter residing in the division of the district in which he casts his vote.

Sec. 19. Except as otherwise provided in this act, connection with the district elections, the secretary shall perform all duties prescribed by law to be performed by county clerks or registrars of voters, as the case may be, in connection with county elections. Where necessary, the secretary is authorized to procure from the proper county officials all necessary registration books and copies of indexes thereof. In connection with district elections, the board shall perform all duties prescribed by law to be performed by the boards of supervisors in connection with county elections.

Chapter 2. Preparation of Ballots

Sec. 20. For the purpose of registering persons who are entitled to vote at district elections the county clerk or registrar of voters may in any county which lies partly or wholly within the district boundaries indicate upon the affidavit of registration whether the person is a voter of the district. In such counties the county clerk or registrar of

voters may have printed upon the official ballots provided for voters at elections for directors a heading in the same form as that provided by the Elections Code for all nonpartisan officers. The heading shall be marked "San Joaquin Valley Drainage District" with a subheading "For member of the board of directors, Division _____ - Vote for one" and beneath which shall appear the names of the candidates for the office of director for that division of the district, with the appropriate blank space for writing in the name of a candidate if desired by the voters, and with a voting square placed opposite this space.

Sec. 21. The ballots provided for voters at district elections shall be furnished by precinct officers only to those voters within their respective precincts who appear on the register as duly registered voters within the affected division of the district. In precincts which lie only partly within the district the precinct board shall be supplied with two kinds of ballots by the respective county clerk or registrar of voters, one of which shall contain the matter set forth in Section 20 of this act for the use of the voters of the district, and the other of which shall not contain the matter set forth in Section 20 and shall be furnished to those voters of the precinct who are not voters of the district.

Chapter 3. Precincts and Polling Places

Sec. 22. The board of directors when calling or conducting any district election shall:

- (a) Fix the compensation to be paid the officers of the election.
- (b) Designate the precincts and polling places for each division of the district.
- (c) Appoint the officers of the election.

Sec. 23. The officers of the election shall consist of one inspector, one judge, and two clerks, unless in the case of consolidated elections, other officers of election are required by law.

Sec. 24. The voting precincts for any election held pursuant to this act may be established and the boundaries thereof fixed and described by the district board, or the voting precincts may consist of either the regular precincts or portions thereof within the district established for holding state or county elections or a consolidation of any or all of such regular election precincts or portions thereof last established.

Sec. 25. If any district election is consolidated with any state or county election, the voting precincts, polling places, and election officers for the district election shall be the same as those established for the state or county election.

Chapter 4. Election of Directors

Sec. 26. The successors to the first directors shall be elected or chosen in the manner provided in this chapter.

Sec. 27. One director, who shall be an elector, landowner and resident of the division and shall be elected by the voters thereof, shall be elected for each of the nine divisions of the district. Except as provided in Section 29, directors shall be elected at the general district election.

Sec. 28. Each candidate for director who at the general district election receives votes on a majority of all the ballots cast for candidates for the office which he seeks is elected to that office.

Sec. 29. If, at the general district election none of the candidates for an office of director receives a majority of the votes cast for the office, the two candidates who received the highest number of votes cast for the office shall be candidates for the office at a special district election which shall be held at the same time as the next succeeding general election and shall be consolidated therewith.

Sec. 30. Directors elected to office shall take office on the first Monday after the January 1st succeeding their election.

Sec. 31. Candidates shall declare their candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results and issuance of certificates of elections for county officers are made, declared, held, conducted, and issued, so far as consistent with the provisions of this act and except as otherwise expressly provided in this act. In the event a district election is consolidated with a county or statewide election, the election officers shall certify the returns of the district election to the secretary of the district rather than the county clerk even though the same ballots are used for the county or statewide election as well as the district election.

Chapter 5. Appointment in Lieu of Election

Sec. 32. If on the 65th day prior to the date fixed for the general district election, only one person has been nominated for each office of director to be filled at that election, or if no person has been nominated for any one or more of such offices, the board shall by resolution entered in its minutes order that an election shall not be held, and shall, prior to the day of the general election, appoint to the office or offices to be filled the person or persons who have been nominated, or if no person has been nominated for any office, the qualified person who shall be nominated therefor by the Governor.

Sec. 33. A person appointed to the office of director shall qualify and take office and serve as if elected at a general district election.

Sec. 34. If no election is to be held, the publication provided for in Article 6 (commencing with Section 6580), Chapter 2, Division 5 of the Elections Code shall, instead of calling an election, state that no election is to be held but that the board will appoint those nominated for office or offices of director or, if no person is nominated for an office, will appoint a qualified person nominated by the Governor to such office.

Sec. 35. Notice that an appointment may be made in the event that only one or no nomination is made shall be published in a newspaper of general circulation in each county which lies wholly or partly within the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

Sec. 36. Every incumbent of an elective office, whether elected by popular vote for a full term, or appointed by the Governor to fill a vacancy is subject to recall by the voters of the district in accordance with the recall provisions of the Elections Code relating to cities.

Part 3. Purposes and Powers of the District

Chapter 1. Purposes

Sec. 37. The objects and purposes of this act are to provide for the control and removal of drainage water from the San Joaquin Valley, and to protect from damage, from such drainage waters, the water resources and property in the district.

Chapter 2. Powers

Sec. 38. The district may exercise the powers which are expressly granted by this act, those necessarily implied therefrom, and such other powers as the law may provide.

Sec. 39. The district is hereby declared to be a body corporate and politic and as such shall have in addition to the other powers vested in it by this act the following powers:

- (1) To have perpetual succession.
- (2) To sue and be sued in the name of said district.
- (3) To adopt a seal and alter it at pleasure.
- (4) To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction or otherwise and to hold, use, and enjoy, sell, let and dispose of real and personal property of every kind including lands, structures, buildings, rights-of-way, easements and privileges, and to construct, maintain, alter, and operate any and all works or improvements within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works or improvements or property acquired by it as authorized by this act.
- (5) To incur indebtedness and to issue bonds and other evidences of indebtedness in the manner hereinafter provided; also to refund and retire any indebtedness or lien that may exist against the district or the property thereof.
- (6) To cause assessments to be levied and collected for the purpose of paying any obligation of the district, including organizational expenses and warrants issued therefor, and to carry out any of the purposes of this act in the manner hereinafter provided.
- (7) To make contracts and to employ labor, and to do all acts necessary for the full exercise of all powers vested in the district or any of the officers thereof by this act.
- (8) To exercise the right of eminent domain within or without the district and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation or agency or otherwise. The power of eminent domain vested in

the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement or interest in any real property which the board of directors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate, easement or interest as the case may be, is necessary for a public purpose. No action in eminent domain to acquire property or interest therein outside the boundaries of the district shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

(9) To contract with any person or public entity to provide services at a fixed rate or charge.

(10) To do any and every lawful act necessary to be done to furnish drainage service in the district for all purposes.

(11) To commence, maintain, intervene in and compromise in the name of the district and to assume the costs of any action or proceeding to prevent contamination, pollution, or otherwise rendering unfit for beneficial use the surface or subsurface water used within the district; or to prevent any such interference with such waters as may endanger or damage the inhabitants or land in, or use of water in, the district. This section shall not authorize the district to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of land or water rights which do not affect the interests of the district.

(12) To join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the district and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions, constructions, and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions or constructions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. As used in this section "public agency" means the United States or any department or agency of the United States, the State of California or any department or

agency of the State of California, municipalities, counties, districts or other public corporations.

(13) To acquire, control, distribute, sell, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage, waste and storm waters, for the beneficial uses and protection of the district, or its inhabitants or the owners of the rights to water therein.

Sec. 40. The district board may fix and collect charges or rates for any service furnished by the district and may fix different rates for different classes or conditions of service; provided, that rates shall be uniform for like classes or conditions of service throughout the district. The board by resolution may direct the appropriate county officers to add to the assessment of each parcel of land which benefited any charges for services which are unpaid at the time assessments are levied. The amount so added shall be collected and shall constitute a lien as part of the assessment levied on the parcel of land which is subject to the unpaid charges for services.

Sec. 41. There is hereby granted to the district the right of way for the location, construction and maintenance of any drainage facilities in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district, the board of directors thereof must transmit to the State Lands Commission and Controller of the State, and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the lands are claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made, it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands.

Sec. 42. The board may in the name of the district cooperate and contract with and receive funds from the United States, or any department or agency of the United States, including cooperating and contracting under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof and supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contracting for the purposes of the district.

Sec. 43. The board may in the name of the district cooperate and contract with and receive funds from the State

of California, or any department or agency of the State of California, to accomplish any of the purposes of the district.

Sec. 44. The board may, in the name of the district, contract with the Department of Water Resources under the California Water Resources Development Bond Act (Chapter 8 commencing with Section 129307, Part 6, Division 6, of the Water Code) in connection with the construction, operation, and maintenance of any facilities for the removal of drainage water from the San Joaquin Valley and may also contract with the United States in connection with the construction, operation, and maintenance of any such drainage facilities.

Sec. 45. A proposal by the district to enter into a contract with the United States, the State of California, or any department or agency of either the United States or the State of California shall be submitted to the California Districts Securities Commission for its examination and report if the contract is for any of the following:

- (a) Repayment of construction costs or operation and maintenance costs of any project or facility constructed jointly by the State and the United States or separately by either the State or the United States.
- (b) Assumption as principal or guarantor of indebtedness to either the United States or the State. "Indebtedness" includes but is not limited to loans.

After receiving the report of the commission or failing to receive it within ninety (90) days after the submission of the proposed contract to the commission, the board may proceed toward execution and performance of the contract.

Sec. 46. The district shall have the power to carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to drainage water, drain conduits, and drainage service and for such purposes the district shall have the right of access through its authorized representatives to all properties within the district. The district, through its authorized representatives, may enter upon such land and make examinations, surveys, and maps thereof and such entry shall not constitute a cause of action in favor of the owners of such land.

Sec. 47. The district shall have the power to determine and enforce reasonable water quality standards to govern the use of any of its facilities including drainage facilities.

Sec. 48. The board shall determine which projects, works of improvement or contracts shall be undertaken by the district and shall determine, as to each project, work of improvement or contract, that it is either (1) for the common benefit of the district as a whole; or (2) for the benefit of a particular area of the district.

Sec. 49. Except as herein provided, no director of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, and no officer or employee of the district shall in any manner be interested, directly or indirectly, in any contract made by such officer or employee pursuant to discretionary authority vested in him, or in the benefits to be derived therefrom. For any violation of this section, such director or other officer or employee of the district shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$500 or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Neither this section nor any other law shall, however, be deemed to invalidate any contract or instrument, nor to establish or define any misdemeanor or other crime, merely because such director or other officer or employee shall have any interest in such contract or instrument, or shall derive any benefit therefrom, if such director before authorization of such contract by the board shall have disclosed his interest therein to the board in writing, and (a) if such director or other officer or employee shall own or control, indirectly or directly, not more than five per centum of the outstanding stock or securities of the contracting corporation; or (b) if such contract or instrument shall be entered into pursuant to the provisions of any ordinance or regulation of the district of uniform application, and which ordinance or regulation shall have become effective prior to the making or execution of such contract or instrument.

Sec. 50. The board shall have the power to prescribe methods for the construction of works or projects and for the letting of contracts for the construction of works, structures, or equipment, or the performance or furnishing of labor, materials or supplies, necessary or convenient for carrying out any of the purposes of this act or for the acquisition and disposal of any real or personal property; provided, that in cases where work is not to be done by the district itself by force account, and the amount involved shall be five thousand dollars (\$5,000), or more, any contract for the doing of such work shall be let to the lowest responsible bidder after publication, in the manner prescribed by the board, of notices inviting bids therefor, subject to the right of the board to reject any and all proposals; and provided further, that contracts, in writing or otherwise, for the acquisition or

disposal of any real or personal property may be let without calling for competitive bids. The board may, from time to time, fix and establish the manner of calling for bids and letting contracts, but except as such procedure established by the board otherwise requires, all contracts may be entered into upon such terms and in such manner as the board may authorize.

Part 4. Financial Provisions

Chapter 1. Warrants

Sec. 51. The district has the authority to issue warrants to pay the organizational and ratification election expenses of the district, which warrants may bear an interest rate not exceeding six percent per annum from the date of issue until funds are available to pay the warrants, and which organizational expenses may include fees of attorneys and others employed to conduct the organization proceedings.

Sec. 52. The district, for any district purpose, has the authority to issue time warrants bearing interest at a rate not exceeding six percent per annum which shall be general obligations of the district payable from revenues and assessments of the district. Such warrants shall be payable not later than five (5) years from the date thereof and the total aggregate amount of such notes outstanding at any one time may not exceed the lesser of either two million dollars (\$2,000,000) or one-half percent of the assessed valuation of the taxable real property in the district, or, if said assessed valuation is not obtainable, one-half percent of the sum of the estimates of the county auditors of each county in which any portion of the district lies of the assessed valuation of the taxable real property in the district within such county evidenced by their certificates.

Sec. 53. Warrants shall not be issued under Section 52 in excess of an amount authorized by the California Districts Securities Commission. The California Districts Securities Commission shall not authorize the issuance of any warrants under Section 52 unless the commission shall find and determine that in its judgment the district will be able to pay the principal of and interest on the warrants as the same respectively become due. Such warrants shall be investigated and certified in the same manner, by the same officers, and with the same force and effect as prescribed for the investigation and certification of bonds of irrigation districts by the provisions of Division 10 of the Water Code.

Chapter 2. Improvement Districts

Sec. 54. The district may use the Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement

Bond Act of 1915 for the construction of any facilities authorized to be constructed by the district under the provisions of Part 3 of this act. Improvement bonds shall not be issued by the district under the Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 in excess of an amount authorized by the California Districts Securities Commission. Improvement bonds shall be investigated and certified in the same manner, by the same officers, and with the same force and effect as prescribed for the investigation and certification of bonds of irrigation districts by the provisions of Division 10 of the Water Code.

Sec. 55. The rights, powers, duties, responsibilities and jurisdiction conferred upon the various boards, officers and agents of a city by the acts specified in Section 54 shall be exercised by the corresponding board, officers and agents of the district.

In the application of the acts specified in Section 54 to proceedings instituted by the district, the terms used in the acts specified in Section 54 have the following meanings:

- (a) "City council or council" means the board.
- (b) "Municipality" or "city" means the district.
- (c) "Superintendent of streets" "street superintendent" or "city engineer" means any person appointed by the board to perform such duties.
- (d) "Tax collector" means the county tax collector of any county which lies partly or wholly within the boundaries of the district.
- (e) "Treasurer" or "city treasurer" means the auditor of the district.
- (f) "Mayor" means the chairman of the board.
- (g) "Right-of-way" means any parcel of land in, on, under, or through which a right-of-way or easement has been granted to the district for the purposes of constructing and maintaining any district works or improvements.

Sec. 56. Any certificates or documents required by the acts specified in Section 54 to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed or recorded in the office of the secretary of the district.

Chapter 3. Bonds

Sec. 57. The district may issue bonds pursuant to the Revenue Bond Law of 1941 (Chapter 6 [commencing with Section 54300], Part 1, Division 2, Title 5, Government Code) for any of the purposes hereinabove set forth.

Sec. 58. Revenue bonds shall not be issued in excess of an amount authorized by the California Districts Securities Commission. The California Districts Securities Commission shall not authorize the issuance of any revenue bonds unless the Commission shall find and determine that in its judgment the district will be able to pay the principal and interest of the revenue bonds when the same respectively become due. Revenue bonds shall be investigated and certified in the same manner, by the same officers, and with the same force and effect as prescribed for the investigation and certification of bonds of irrigation districts by the provisions of Division 10 of the Water Code.

Sec. 59. All bonds issued by the district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district is a district within the meaning of that term as used in Section 13 of Article 11 and Section 1-3/4 of Article 13 of the Constitution of the State of California.

Part 5. Assessments

Chapter 1. General District-wide Ad Valorem Assessments

Sec. 60. The board shall have the power in any year to levy, through the appropriate county officers, an ad valorem assessment upon all real property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district. The power to levy an ad valorem assessment upon all real property in the district includes the power to levy such assessment to meet the obligations of the district arising from any "activity", as that term is defined in Section 66 of this act; provided, that if any portion of the district receives drainage service pursuant to a contract with the United States entered into under the Reclamation Law of 1902, and acts amendatory and supplementary thereto, the board may establish a special zone encompassing the service area specified by the aforementioned contract and exempt such zone from all or part of that portion of the district ad valorem assessment which was levied to meet the costs of the activity. Assessments levied pursuant to this chapter during any year shall not exceed ten cents (\$.10) on each one hundred dollars (\$100) of assessed valuation of real property in the district.

Sec. 61. Prior to April 1 of each year, the board shall estimate the amount of money necessary, in addition to revenues of the district from other sources, to meet the district obligations described in Section 60 for the ensuing fiscal year and during the current fiscal year where no assessment has been levied or collected for the current fiscal year.

The board shall then allocate the amount of the estimate to each county which lies wholly or partly within the district in the proportion that the assessed valuation of real property within the district within such county bears to the total assessed valuation of all real property within the district. Assessed valuation shall be determined on the basis of the last equalized assessment rolls of the respective counties. On April 1 of each year, the board shall certify to the auditor and board of supervisors of each county the amount of the estimate allocated to such county, which amount shall be the amount to be raised by assessments to be levied in such county pursuant to this chapter.

Sec. 62. The board of supervisors of each county which lies wholly or partly within the district shall annually, and at the time of levying county taxes, levy on the real property within the county and within the district, an ad valorem assessment sufficient to raise the amount or amounts certified by the board of directors of the district pursuant to Section 61.

The board of supervisors of each county shall determine a rate of assessment sufficient to cover the amount certified, making reasonable allowance for anticipated delinquencies. If a fraction of a cent occurs in a valuation of one hundred dollars (\$100), it shall be taken as a full cent. The assessment shall be computed and entered upon the assessment roll by the county auditor.

Sec. 63. It shall be the duty of all county officers having the duty of collecting taxes to collect assessments levied pursuant to this chapter, at the time and in the form and manner as county taxes are collected, and when collected to pay the same to the district. Such assessments shall be a lien on the real property upon which they are levied and shall be of the same force and effect as liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for county taxes. So far as applicable, all provisions of law relating to equalization, levy, payment, and collection of county taxes shall apply to such assessments, except as otherwise provided by this chapter, so far as the same may be made applicable.

Sec. 64. If the creation of the district is approved at the ratification election the organizational and election expenses shall be deemed to be general administrative expenses of the district for assessment purposes. If the district is disapproved at the ratification election the appointed board shall (1) estimate the amount needed to pay the organizational and election expenses, (2) allocate the estimate to each county which lies wholly or partly within the district as provided in Section 61, and (3) certify the amounts determined to the counties in accordance with the provisions of Section 61 of this act. The board of supervisors of each county shall determine an assessment rate and levy it upon the real property within the district within the county and the county officers shall collect and pay the same to the district pursuant to Sections 62 and 63 of this act.

Sec. 65. Upon the board's request the assessor of each county which lies wholly or partly within the district shall forward the last equalized assessment roll for the real property within the district within such county to the board.

Chapter 2. Assessment Zones

Sec. 66. For the purpose of financing any activity or activities of the district, the district, in addition to, or in lieu of the service charges and other revenues and the assessments otherwise provided for in this act, may make assessments apportioned in accordance with the benefits to be derived from such activity or activities and for this purpose may establish a zone or zones of benefit which reflect the degree of benefit resulting to such zone or zones from such activity.

As used in this chapter, "activity" includes any construction, operation, maintenance, or other work which the board is authorized to undertake pursuant to Part 3 of this act and any payments required under any contract entered into with the State or the United States or both.

As used in this chapter "benefit" includes both direct and indirect benefits.

Sec. 67. Whenever the board proposes to establish zones, it shall prepare a description of the proposed boundaries together with a map thereof for each zone to be formed. For the purpose of preparing these boundaries and maps, the board shall make such investigations as may be necessary and may utilize any and all books, maps, or other relevant records. Any such books, maps, or records on file in the offices of the district or the Department of Water Resources or any other office or agency of the State shall be made available to the board for such purpose. All officers or agencies of the State shall render whatever assistance may be required to facilitate the work of the board pursuant to the provisions of this chapter.

Sec. 68. If the district is divided into a zone or zones, the zones shall be given a numerical designation starting with zone 1. The map of the proposed boundaries of a zone shall also show the proportion of the benefits and costs of the activity allocated to such zone.

Sec. 69. Upon completion of the description and map of any proposed zone as provided in Sections 67 and 68, the board shall schedule a hearing to be held either at some convenient place within the boundaries of such zone or in the City of Fresno, whichever location appears to the board to be more convenient for all interested parties. The board may consolidate the hearings for two or more zones if it appears convenient for all interested parties.

The board shall cause the notice of such hearing to be published pursuant to Section 6066 of the Government Code in at least one newspaper of general circulation within the boundaries of the proposed zone, or if there is no such newspaper published within such boundaries then publication shall be by posting the notice in the county seat of each and every county in which the proposed zone, or any part thereof, is located for at least three weeks prior to the hearing.

Sec. 70. The notice shall state the time and place of hearing, that the purpose of the hearing is to establish the boundaries of the proposed zone benefited by the activity and the proportion of the benefits and costs of the activity to be allocated to the zone, the nature of the activity, and the location of the place or places where the map showing the boundaries of the proposed zone as determined by the board may be inspected by any interested person. The notice shall include a description of the zone, which may be brief and in general terms.

Sec. 71. At any such hearing any owner of real property within the boundaries of the proposed zone or other interested person, county, city, district, or other public or private entity, may offer, and the board shall receive, any relevant evidence or testimony relating to the establishment of the boundaries of the zone, or the proportion of the benefits and costs of the activity to be allocated to the real property within the proposed zone. Any such owner or interested person or entity may object to the inclusion of land within the zone or may request the inclusion of any other land within the zone or a change in the proportion of benefits and costs of the activity allocated to the zone.

Sec. 72. Land lying without the exterior boundaries of the proposed zone as shown on the map prepared by the board shall not be included within such zone unless at the hearing the owner thereof consents or the owner is given notice and

an opportunity to object to such inclusion and to be heard thereon.

When any such additional land is proposed to be included and the owner's consent is not given, the hearing shall be adjourned to a specified time and place.

The board shall cause notice of such adjourned hearing, where additional land is to be included, and the purpose thereof to be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation in the county in which the land, or the greater portion of the land sought to be included is situated, or, in lieu of such publication, by service by certified mail upon the owner or owners of such land as shown on the last equalized assessment roll in accordance with which such land was assessed.

Sec. 73. Upon the final conclusion of any such hearing or hearings the board may establish the boundaries of the zone and the proportion of the benefits and costs of the activity accorded thereto.

The establishment of the zones pursuant to this chapter shall be evidenced by an order or resolution of the board creating such zones. The order or resolution shall describe the boundaries of each zone, the proportion of the benefits and costs of the activity allocated to each zone, and the numerical designation of each zone.

The order or resolution determining and establishing the boundaries of each zone shall be filed for record in the office of the county recorder of each county within which any portion of the zone is located. Thereupon the determination and establishment of such zones shall be complete.

Sec. 74. The board may dissolve any zone established pursuant to this chapter, after a hearing, if it finds and determines that the real property in the zone is no longer specially benefited by the activity for which it was established or that the purpose of such activity has been accomplished, and that there is no outstanding indebtedness for such activity for the payment of which the real property therein is subject to assessment.

Sec. 75. The boundaries of any established zone, the description of the activity for which zones are established, and the determination of the proportion of the benefits and costs of the activity accorded to any zone may be modified by the board.

The board shall conduct such modification proceedings, as near as may be, in the manner provided in this chapter for

the formation of zones, and may make such modification if in its discretion and judgment the best interests of the district and the zones affected will be served thereby.

Sec. 76. It is declared that for the purposes of any assessment levied under this chapter, the real property within a given zone is equally benefited. Assessments made within zones of benefit pursuant to this chapter shall be levied on real property within each zone on an ad valorem basis.

Each zone is a district within which assessments are collected according to the value of the real property therein, and the provisions of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code shall be complied with.

Sec. 77. If zones are created, the board shall, prior to the first day of March of each year, estimate the amount of money necessary to pay the costs of district activities which the board has allocated to the zones during the ensuing fiscal year and during the current fiscal year where no assessment has been levied or collected for the current fiscal year.

Following the first day of March of each year, the board shall hold a hearing in the City of Fresno on the matter of fixing the estimates for all zones.

Notice of the hearing shall be given by publication in at least one newspaper of general circulation in each zone affected for at least once a week for two successive weeks, the last publication shall be at least one but not more than two weeks before the date of the hearing, or if there is no such newspaper published within the said boundaries then publication shall be by posting the notice in a public place in the county seat of the county or counties in which the zone, or any part thereof, is located for at least three weeks.

The notice shall set the time and place of the hearing and shall state that the purpose of the hearing is to confirm or modify or revise the program of activity to be performed in the zones for which estimates have been made pursuant to this section, and to determine the necessity for such activity and the amount of the estimates therefor.

Sec. 78. At the hearing any owner of real property in any zone affected, or other interested person, or entity, may offer, and the board shall receive, any relevant evidence or testimony concerning the proposed program of activity relating to any such zone, the necessity for such activity, or the estimate of the cost thereof.

Upon the final conclusion of such hearing the board shall allocate and fix the amount of the estimate for each such zone for all purposes of the assessments provided for in this chapter.

If any zone lies within more than one county, the board shall divide the amount of the allocated estimate in the proportion of the assessed valuation of the real property in the zone lying in each county. Such assessed valuation shall be determined on the basis of the last equalized assessment roll of the respective counties.

On April 1 of each year the board shall certify to the auditor and board of supervisors of each county in which each zone, or part thereof, lies, the amount required, in order to pay the estimate allocated to such zone for the ensuing fiscal year or the current fiscal year where no assessment has been levied or collected for the current fiscal year, to be levied by the board of supervisors in each zone.

Sec. 79. The board of supervisors of each county in which there lies a zone or any portion thereof shall annually, and at the time of levying county taxes, levy on the real property within the county and within the zone, an ad valorem assessment sufficient to raise the amount or amounts certified by the board.

Each assessment shall be identified by the number of the zone.

The board of supervisors shall determine a rate of assessment sufficient to cover the amount of the estimate for the zone which was allocated to the county, making reasonable allowance for anticipated delinquencies. If a fraction of a cent occurs in a valuation of one hundred dollars (\$100), it shall be taken as a full cent. The assessment shall be computed and entered upon the assessment roll by the county auditor.

Sec. 80. It shall be the duty of all county officers having the duty of collecting county taxes to collect assessments levied pursuant to this chapter, at the same time and in the same form and manner as county taxes are collected. Such assessments shall be a lien upon the real property and shall be of the same force and effect as liens for taxes and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes. So far as applicable, all provisions of law relating to the equalization, levy, payment, and collection of county taxes shall apply to such assessments, except as otherwise expressly provided by this chapter, so far as the same are or may be made applicable.

Sec. 81. All money raised by such assessments shall be accounted for separately as to each zone. When collected, all such money shall be transmitted to the auditor of the district and shall be deposited by him in the district's depository to the credit of special zone accounts which shall be established. The money in such accounts shall be available to the board for expenditure for the activity for which the zone was established and from which the money in the account was derived.

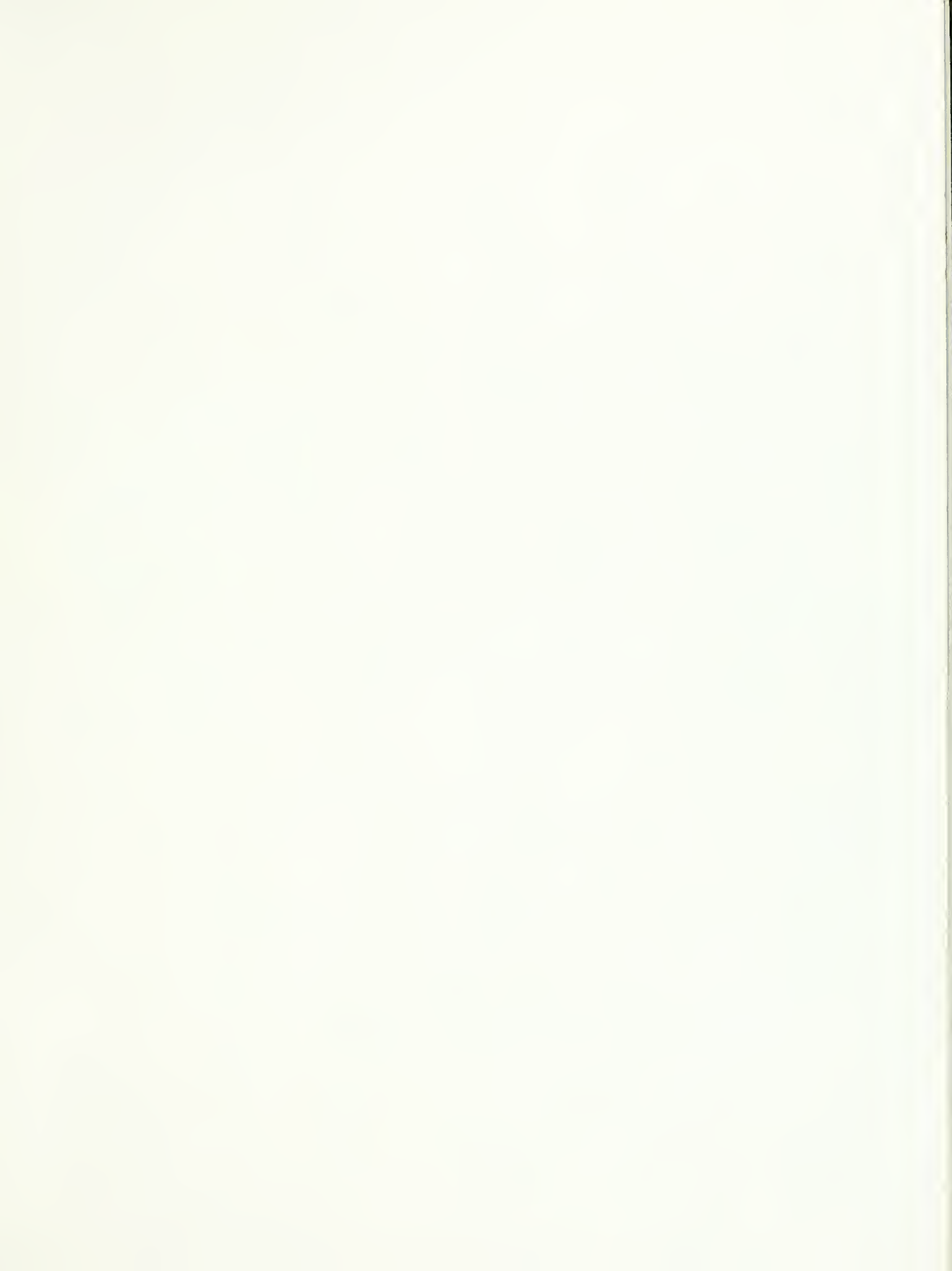
Sec. 82. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the board of directors, and all claims shall be audited and paid in the same manner and with the same effect as are similar claims against a county.

Sec. 83. If any provision of this act is declared unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

Sec. 84. The Legislature hereby finds that the drainage problems in the San Joaquin Valley drainage basin require a basin-wide project program to correct; that these problems are not general or statewide; that the basin's drainage needs for many years have been the subject of many investigations and engineering surveys by private and public engineers; that irrigation districts, county water districts, water storage districts, municipalities, and California water districts now exist within portions of the basin, have acquired property and works, developed a limited water supply, developed drain works or projects, and have incurred indebtedness, but have been and are unable alone to develop economically an adequate drainage water disposal program and to control the drainage water which originates in the basin, and for such reasons it is therefore necessary to have a political entity at least coextensive with the geographical limits of the entire drainage basin. It is therefore hereby declared that a general law cannot be made applicable to the San Joaquin Valley drainage basin and that the enactment of this special law is necessary for the development of a program adequate to meet the drainage requirements of such drainage basin for the public good and for the protection of life and property therein.

Sec. 85. The district is declared to be a municipal corporation within the meaning of that term as used in Section 1 of Article 13 of the Constitution of the State of California.

Sec. 86. An action to determine the legality of the existence of the district or the validity of bonds, levy of an assessment, or a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. If an action to determine the legality of the existence of the district is brought by the district pursuant to this section, the State of California shall be a defendant, and consent therefor is given. Service of summons therein shall be made on the Attorney General who shall appear in such action on behalf of the State in the same manner as with appearances in civil actions.





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